

REMARKS

This responds to the Office Action mailed on May 18, 2007.

Claims 1, 9, 17, 23, 25, and 32 are amended, claims 2, 6, 18, 22, 24, 28, 31, and 33 have previously been canceled, and no claims are added; as a result, claims 1, 3-5, 7-17, 19-21, 23, 25-27, 29-30, 32, and 34 are now pending in this application.

Interview Summary

Applicant thanks Examiner Lena Najarian for the courtesy of a telephone interview on May 3, 2007 with Applicant's representative Eduardo Drake. During the interview, Mr. Drake explained that the Office Action mailed on October 18, 2006 was never received, and the Examiner responded that the Action would be remailed and the period for response reset because the October 18th Action had been mailed to the wrong address.

Applicant further thanks Examiner Najarian for the courtesy of a telephone interview on July 20, 2007 with Applicant's representative David D'Zurilla. During the interview, Ms. Najarian and Mr. D'Zurilla discussed possible amendments to the claims. No agreement was reached.

§112 Rejection of the Claims

Claims 1 and 3-8 were rejected under 35 U.S.C. § 112, second paragraph, for indefiniteness.

The Applicant has amended claim 1 to more particularly point out that the medical records presented on the mobile terminal include ergonomic actuators that are also displayed on the mobile terminal. The Applicant respectfully submits that this amendment addresses the rejection under § 112, and the Applicant respectfully requests the withdrawal of the rejection.

§103 Rejection of the Claims

Claims 1, 4-5, 7-9, 15-17, 19, 21, and 23 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Ballantyne et al. (U.S. Patent No. 5,867,821) in view of Brown (U.S. Patent No. 5,918,603). The Applicant respectfully traverses this rejection.

Claims 1 and 3-8 recite ergonomic actuators within medical records displayed on a mobile terminal that allow one to move between different screens containing different classes of medical information regarding an associated patient. These claims further recite that each ergonomic actuator is large enough to allow actuation via a user's finger. The Final Office Action contends that these limitations are disclosed in the Brown patent in FIGS. 3 and 12 and at Column 4, lines 49-54. The Applicant respectfully disagrees.

The keys 36a-36e of Brown are physical keys that are part and parcel of a hand held microprocessor unit 30, and as can be seen from FIG. 3 of Brown, are completely separate from the video display 34. Consequently, the keys 36a-36e are not ergonomic actuators within medical records displayed on a mobile terminal as recited in claims 1 and 2-8. The Applicant respectfully submits that the rejection of claims 1 and 2-8 is in error, and respectfully requests the withdrawal of the rejection.

Claim 9 has been amended to recite that the formatted information delivered to the mobile terminals is associated with respective user-selectable ergonomic features that are displayable on the mobile terminal. As pointed out in the previous paragraph, Brown fails to disclose this feature, and the Applicant respectfully requests the withdrawal of the rejection of claim 9 for at least this reason.

Claims 17 and 23 have been amended to recite an icon rather than a button. The Applicant respectfully submits that the Brown patent relates to keys, not icons, and respectfully requests the withdrawal of the rejection of claims 17 and 19, 21, and 23.

Claim 3 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Ballantyne et al. (U.S. Patent No. 5,867,821) in view of Brown (U.S. Patent No. 5,918,603), and further in

view of Walker et al. (U.S. Patent No. 6,302,844 B1). The Applicant respectfully traverses this rejection.

For at least the reasons outlined above in connection with claim 1, the Applicant respectfully submits that claim 3 is allowable over the cited references, and respectfully requests the withdrawal of the rejection of claim 3.

Claim 6 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Ballantyne et al. (U.S. Patent No. 5,867,821) in view of Brown (U.S. Patent No. 5,918,603), and further in view of Nguyen et al. (U.S. Patent Appln. Ser. No. 2002/0023077 A1). The Applicant respectfully traverses this rejection.

For at least the reasons outlined above in connection with claim 1, the Applicant respectfully submits that claim 6 is allowable over the cited references, and respectfully requests the withdrawal of the rejection of claim 6.

Claims 10-14 and 20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Ballantyne et al. (U.S. Patent No. 5,867,821) in view of Brown (U.S. Patent No. 5,918,603), further in view of Chesanow ("PDAs for Doctors: You ticket to fast, flawless prescribing"). The Applicant respectfully traverses this rejection.

For at least the reasons outlined above in connection with claims 9 and 17 respectively, the Applicant respectfully submits that claims 10-14 and 20 are allowable over the cited references, and respectfully requests the withdrawal of the rejection of these claims.

Claims 25-27 and 29-30 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Ballantyne et al. (U.S. Patent No. 5,867,821) in view of Kilgore et al. (U.S. Published Patent Appln. No. 2002/0072911 A1).

Claims 32 and 34 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Ballantyne et al. (U.S. Patent No. 5,867,821) in view of Felsher (U.S. Published Patent Appln. No. 2002/0010679 A1).

Claims 25 and 32 have been amended to recite that an ergonomic actuator is displayed on the mobile terminal, that the ergonomic actuator permits movement between different screens containing different classes of information, and that the ergonomic actuator is large enough to allow actuation via a user's finger. The Applicant respectfully submits that claims 25 and 32 are allowable over the cited references, and respectfully requests the withdrawal of the rejection of these claims.

Reservation of Rights

In the interest of clarity and brevity, Applicant may not have addressed every assertion made in the Office Action. Applicant's silence regarding any such assertion does not constitute any admission or acquiescence. Applicant reserves all rights not exercised in connection with this response, such as the right to challenge or rebut any tacit or explicit characterization of any reference or of any of the present claims, the right to challenge or rebut any asserted factual or legal basis of any of the rejections, the right to swear behind any cited reference such as provided under 37 C.F.R. § 1.131 or otherwise, or the right to assert co-ownership of any cited reference. Applicant does not admit that any of the cited references or any other references of record are relevant to the present claims, or that they constitute prior art. To the extent that any rejection or assertion is based upon the Examiner's personal knowledge, rather than any objective evidence of record as manifested by a cited prior art reference, Applicant timely objects to such reliance on Official Notice, and reserves all rights to request that the Examiner provide a reference or affidavit in support of such assertion, as required by MPEP § 2144.03. Applicant reserves all rights to pursue any cancelled claims in a subsequent patent application claiming the benefit of priority of the present patent application, and to request rejoinder of any withdrawn claim, as required by MPEP § 821.04.

Serial Number: 09/776,484

Dkt: 2962.005US1

Filing Date: February 2, 2001

Title: METHOD AND SYSTEM FOR EXTRACTING MEDICAL INFORMATION FOR PRESENTATION TO MEDICAL PROVIDERS ON MOBILE TERMINALS

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney (612) 371-2140 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

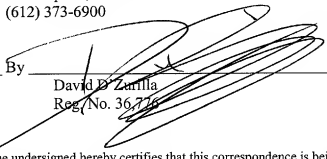
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Date August 16, 2007

By


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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 16th day of August 2007.

Jonathan Ferguson

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Signature